

REMARKS

This is an Amendment in response to the Office Action mailed on August 27, 2004 in which claim 6 was rejected under 35 U.S.C. § 112, claims 1-4, 6-17, 22-23, 25-26 and 29-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Curtright, U.S. Pat. No. 6,314,370 ("Curtright"), claims 33-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Videtich, U.S. Pat. Pub. No. 2004/0080430 ("Videtich"),² claims 1, 5, 11, 19, and 20-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Smith, U.S. Pat. Pub. No. 2002/0067289 ("Smith"),³ claims 11, 18, 22, 24 and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gueziec, U.S. Pat. Pub. No. 2003/0171870 ("Gueziec"), claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Videtich, and claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable Curtright in view of Smith. In addition, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims.

Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims.

With this Amendment, the Applicant substitutes FIGS. 1a-3b for original FIGS. 1-3. These substituted drawings do not add new matter, but rather better illustrate aspects of the invention originally disclosed. The amendments to the Specification outlined above clarify references pertaining to the newly substituted figures.

Claim Rejections - 35 U.S.C. § 112

²The Examiner mistakenly identified Videtich as being U.S. Pat. Pub. No. 2004/0020430. This appears to have been a typographical error.

³The Applicant assumes that the Examiner's rejection should indicate § 102(e) rather than § 102(b), though the Applicant's response would remain the same for a rejection under either section.

The Examiner rejected claim 6 under 35 U.S.C. § 112. With this Amendment, claim 6 has been amended in a way that renders the Examiner's rejection moot. Amended claim 6 is now in condition for allowance.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 6-17, 22-23, 25-26 and 29-32 under 35 U.S.C. § 102(b) as being anticipated by Curtright.

As defined by amended independent claim 1, the present invention relates to a portable alert system (10) that automatically programs the system to only receive broadcast emergency data (26) associated with the location of the portable alert system (10). The portable alert system (10) includes a location data source (18, 24, 88), an emergency data source (16, 18, 20, 26, 28, 30, 32, 94), a computer processor, and a display (14, 84). The location data source allows identification of a location of the portable alert system, where identification of the location can include identification of a region in which the portable alert system is located. The computer processor correlates the location of the portable alert system (10) and the emergency event by automatically programming the portable alert system (10) to receive only an emergency data signal (30, 32) associated with the location of the portable alert system (10).

As defined by amended independent claim 11, the present invention relates to a portable alert system (10) that includes a radio system (20), a global positioning system (18, 24), a computer processor, and a display (14, 84). The radio system (20) receives emergency event data (26). The computer processor can provide an output to the display (14, 84) indicating a position of the portable alert system (10) and a position of an emergency. In addition, the computer processor automatically programs the portable alert system (10) to receive only a broadcast data signal associated with the location of the portable alert system (10).

As defined by amended independent claim 22, the present invention relates to a method for automatically programming a portable alert system (10) to obtain and display emergency alert data (26) based upon a position of the portable alert system (10). The methods consists of the following steps, which need not occur in a particular order. An emergency alert from an alert broadcasting system (30, 32) is received. A location of the portable alert system (10) is determined based upon information from a global positioning receiver (18). The portable alert system (10) is automatically programmed to receive only an emergency data broadcast signal associated with the location of the portable alert system (10). The location of the portable alert system (10) and information regarding the emergency alert is displayed on a display device (14, 84).

Curtright discloses a map-based navigation system with overlays, for use in airplanes. The system disclosed by Curtright includes a processor (20), map image data (28), and a display screen (28). (*See, generally*, Curtright, cols. 3 and 4). Curtright preferably includes "at least one receiver for receiving weather data, particularly current weather data such as National Weather Service data for the area near the location of the navigation system, or, optionally, near any other point selected for viewing, and a GPS receiver for receiving global positioning information." (Curtright, col. 4, ll. 29-34).

Curtright does not show, teach or disclose each and every element of amended independent claims 1, 11 and 22 of the present invention. Weather data for airplanes is distinguishable from ground weather data, such as, for example, ground-location-specific National Weather Service broadcasts coded by FIPS codes. Aeronautical weather data does not encompass other types of emergency data, such as AMBER alerts, and is not location-specific data broadcast from different broadcast sources. Most significantly, Curtright does not show, teach or disclose automatically programming the system to receive only a broadcast signal associated with the location of the system, as required by each of amended independent claims 1, 11 and 22. Thus, Curtright does not show, teach or disclose each and every element of amended independent claims 1, 11 and 22, and the rejections of those claims under 35 U.S.C. § 102(b) should be withdrawn.

Claims 2-4 and 6-10 depend from amended independent claim 1, claims 12-17 depend from amended independent claim 11, and claims 23, 25-26 and 29-32 depend from amended independent claim 22. As previously discussed, Curtright does not disclose, teach or suggest the limitations of amended independent claims 1, 11 and 22. Therefore, Curtright does not disclose, teach or suggest the limitations of dependent claims 2-4, 6-10, 12-17, 23, 25-26 and 29-32. Additionally, it is respectfully submitted that the combinations of features addressed in claims 2-4, 6-10, 12-17, 23, 25-26 and 29-32 are patentable on their own merits, although this does not need to be specifically addressed herein because any claim depending from a patentable independent claim is also patentable. *See MPEP §2143.03* (8th ed. 2001) (Rev. 1, Feb. 2003), citing *In re Fine*, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988). Thus, claims 2-4, 6-10, 12-17, 23, 25-26 and 29-32 are allowable over the cited reference, and the rejections of claims 2-4, 6-10, 12-17, 23, 25-26 and 29-32 under 35 U.S.C. §102(b) should be withdrawn.

The Examiner further rejected claims 1, 5, 11, and 19-21 under 35 U.S.C. § 102(b) as being anticipated by Smith.⁴

As discussed above, the present invention, as defined in amended independent claims 1 and 11, relates to a portable alert system (10) that automatically programs the system to only receive broadcast emergency data (26) associated with the location of the portable alert system (10).

Smith discloses a vehicle-centric weather prediction system and method. Smith discloses a two-way communication system where information from the GPS receiver (203) on a vehicle (107, 108, 109) is transmitted by a transmitter (204 or 208) to a remote weather center (101). (Smith, ¶¶29 and 30). According to Smith, weather data transmitted is characterized and customized by characteristics of individual vehicles (107, 108, 109), e.g., the vehicle's path, not by broadcast location, i.e., a one-way transmission. (Smith, ¶¶27 and 50).

⁴In the August 27, 2004 Office Action, the Examiner cited to paragraph numbers that do not exist in Smith. Being unable to particularly respond to the Examiner's rejections, the Applicant therefore proceeds with only general reference to Smith.

While the location of a vehicle (107, 108, 109) and the location of weather events are correlated at the weather center (101) by Smith, (Smith, ¶33), the correlation occurs at the weather center (101), which then transmits weather data particularized for each vehicle (107, 108, 109). (Smith, ¶¶25 and 26). Thus, Smith is distinguishable from the present invention in that Smith does not automatically program the system to only receive emergency data associated with the location of the vehicle. The weather data transmitted by Smith is characterized and customized by characteristics of individual vehicles (107, 108, 109) (e.g., the vehicle's path), not by broadcast location. (Smith, ¶¶27 and 50). Warnings are transmitted using two-way communication between the vehicle (107, 108, 109) and the weather center (101) intermittently, and emergency warnings are transmitted to the vehicle (107, 108, 109) only as necessary. In contrast, claims 1 and 11 of the present invention require auto-programming of the system to selectively receive only broadcast signals that are specific to a location, though the signals need not have any vehicle-specific correlation. Therefore, Smith does not show, teach or disclose each and every element of amended independent claims 1 and 11. The rejections under 35 U.S.C. § 102(b) should be withdrawn.

Dependent claim 5 depends from amended independent claim 1 and dependent claims 19-21 depend from amended independent claim 11. As previously discussed, Smith does not disclose, teach or suggest the limitations of amended independent claims 1 and 11. Therefore, Smith does not disclose, teach or suggest the limitations of dependent claims 5 and 19-21. Additionally, it is respectfully submitted that the combinations of features addressed in claims 5 and 19-21 are patentable on their own merits, although this does not need to be specifically addressed herein because any claim depending from a patentable independent claim is also patentable. *See* MPEP §2143.03, citing *In re Fine*, 5 U.S.P.Q.2d 1596. Thus, claims 5 and 19-21 are allowable over the cited reference, and the rejections under 35 U.S.C. §102(b) should be withdrawn.

Claim Rejections - 35 U.S.C. § 102(e)

The Examiner rejected claims 33-36 under 35 U.S.C. § 102(e) as being anticipated by Videlich.

As defined by independent claim 33, the present invention relates to a method of automatically programming a weather radio (20, 82) to receive weather radio broadcast information correlated to a location of the weather radio (20, 82). The method includes, in no particular order, the steps of determining a location of the weather radio (20, 82) based on information from a global positioning receiver (18, 88), correlating the location of the weather radio (20, 82) with geographic weather radio broadcast information to obtain location code data (e.g., FIPS codes), and programming the weather radio (20, 82) based on that location code data.

Videlich discloses a method and system for delivering location dependent severe weather information. Videlich discloses a GPS system (140, 142) for determining vehicle (144) position, a satellite radio system (120, 124) for transmitting weather information (102), and a display (126). (Videlich, FIG. 1). The Videlich system allows selective indication of location-specific weather data based upon a correlation with the vehicle (144) position. (Videlich, ¶¶4-5, 17 and 19).

Videlich does not show, teach or disclose automatically programming a weather radio by correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data, as required by independent claim 33. Instead, Videlich uses a specific kind of satellite broadcasts that are distinguishable from the present invention. The satellite broadcasts disclosed by Videlich contain location-specific *data*, but are not location specific *broadcasts* that are coded by location. (Videlich, ¶¶4-5 and 34). The present invention, as defined by independent claim 33, uses location codes to automatically select from location-specific broadcasts. Videlich does not show, teach or disclose the use of location codes. Therefore, Videlich does not show, teach or disclose all the limitations of independent claim 33. The rejection under 35 U.S.C. § 102(e) should accordingly be withdrawn.

Dependent claims 34-36 depend from independent claim 33. As previously discussed, Videlich does not disclose, teach or suggest the limitations of amended independent claim 33. Therefore, Videlich does not disclose, teach or suggest the limitations of dependent claims 34-36. Additionally, it is respectfully submitted that the combinations of features addressed in claims 34-36 are patentable on their own merits, although this does not need to be specifically addressed herein because any claim depending from a patentable independent claim is also patentable. *See* MPEP §2143.03, citing *In re Fine*, 5 U.S.P.Q.2d 1596. Thus, claims 34-36 are allowable over the cited reference, and the rejections under 35 U.S.C. §102(e) should be withdrawn.

The Examiner further rejected claims 11, 18, 22, 24 and 28 under 35 U.S.C. § 102(e) as being anticipated by Gueziec.

As discussed above, the present invention, as defined by amended independent claim 11, relates to a portable alert system (10) that automatically programs the system to only receive broadcast emergency data (26) associated with the location of the portable alert system (10). Also as discussed above, and as defined by amended independent claim 22, the present invention relates to a method for automatically programming a portable alert system (10) to obtain and display emergency alert data (26) based upon a position of the portable alert system (10).

Gueziec discloses a personalized traveler information dissemination system (10). A travel data publisher (170) or a travel data dispatcher (195) issued to communicate traffic information to users. (Gueziec, ¶92). A GPS system can be used to identify a location of a vehicle. (Gueziec, ¶139). Information from the GPS system can be used, in conjunction with a two-way communication system, to publish custom information relevant to the location of the vehicle. (Gueziec, ¶¶ 30 and 159-60). In further embodiments disclosed by Gueziec, information is not correlated to a vehicle location. (See Gueziec, ¶¶42-44).

Gueziec discusses another patent that, in turn, discloses a system that includes a transmitter and at least one vehicle-mounted receiver decoding traffic announcements with comparison to route information stored in the receiver. (Gueziec, ¶9). However, that reference to another patent is not incorporated by reference, and forms no part of the invention disclosed by Gueziec. Moreover, traffic announcements are distinguishable from weather information and emergency alerts (e.g., AMBER alerts), which encompass different and additional types of information.

Gueziec does not show, teach or disclose automatically programming a portable alert system (10) to obtain and display emergency alert data (26) based upon a position of the portable alert system (10), or any device that does such automatic programming. Gueziec does not show, teach or disclose receiving only broadcast emergency data corresponding to the location of the system. Custom information is distinguishable from location-specific broadcast information, and the use of custom information does not require automatic programming as required by amended independent claims 11 and 22 of the present invention. Therefore, Gueziec does not disclose each and every element of either claim 11 or 22, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claim 18 depends from amended independent claim 11, and dependent claims 24 and 28 depend from amended independent claim 22. As previously discussed, Gueziec does not disclose, teach or suggest the limitations of amended independent claims 11 and 22. Therefore, Videtich does not disclose, teach or suggest the limitations of dependent claims 18, 24 and 28. Additionally, it is respectfully submitted that the combinations of features addressed in claims 18, 24 and 28 are patentable on their own merits, although this does not need to be specifically addressed herein because any claim depending from a patentable independent claim is also patentable. See MPEP §2143.03, citing *In re Fine*, 5 U.S.P.Q.2d 1596. Thus, claims 18, 24 and 28 are allowable over the cited reference, and the rejections under 35 U.S.C. §102(e) should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

In order to render a claim unpatentable under 35 U.S.C. § 103(a), there must be a showing, suggestion or teaching of all claim limitations by the prior art references. *In re Royka*, 450 F.2d 981, 180 U.S.P.Q. (BNA) 580 (CCPA 1974). Determining the patentability of a claim against a reference requires all words in the claim to be considered. *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. (BNA) 494, 496 (CCPA 1970).

The Examiner rejected claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Videlich. Claim 37 depends from independent claim 33. As discussed above, independent claim 33 is in condition for allowance, and dependent claim 37 is allowable therewith. Additionally, it is respectfully submitted that the combination of features addressed in claim 37 are patentable on their own merits, although this does not need to be specifically addressed herein because any claim depending from a patentable independent claim is also patentable. See MPEP §2143.03, citing *In re Fine*, 5 U.S.P.Q.2d 1596. The rejection of claim 37 under 35 U.S.C. § 103(a) should accordingly be withdrawn.

The Examiner further rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable Curtright in view of Smith. Claim 27 depends from amended independent claim 22. As discussed above, amended independent claim 22 is in condition for allowance, and dependent claim 27 is allowable therewith. Additionally, it is respectfully submitted that the combination of features addressed in claim 27 are patentable on their own merits, although this does not need to be specifically addressed herein because any claim depending from a patentable independent claim is also patentable. See MPEP §2143.03, citing *In re Fine*, 5 U.S.P.Q.2d 1596. The rejection of claim 27 under 35 U.S.C. § 103(a) should accordingly be withdrawn.

First Named Inventor: Ronald Marsh

Application No.: 10/629,183

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Conclusion

With this Amendment, all of pending claims 1-41 are in condition for allowance. Reconsideration and notice to that effect is respectfully requested. The examiner is invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate allowance of this application. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date:

3/11/05

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